UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/SR.60
18 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 60th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 April 1997, at 3 p.m.

Chairman: Mrs. BAUTISTA (Philippines)
(Vice-Chairman)

later: Mr. SOMOL (Czech Republic)
(Chairman)

CONTENTS

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-12277 (E)

CONTENTS (continued)

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION (continued)

In the absence of Mr. Somol (Czech Republic), Mrs. Bautista (Philippines), Vice-Chairman, took the Chair.

The meeting was called to order at 3.20 p.m.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

(agenda item 21) (continued) (E/CN.4/1997/93, 94, 95 and Add.1 and 2, 96 and 97; E/CN.4/1997/NGO/11; E/CN.4/Sub.2/1996/25 and Add.1; A/51/306 and Add.1 and 456)

1. Mr. ÁLVAREZ (Observer for Costa Rica) said that children under the age of 18 should be excluded from any kind of active participation in armed conflicts. The political will to prevent children's participation should override any legal arguments to the contrary, such as those put forward during the session of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts.

2. The role of education in promoting and protecting human rights was widely recognized and providing children with military training or education that promoted hostility ran counter to those efforts. In 1949, Costa Rica had constitutionally abolished its army. Costa Rican children grew up in an atmosphere that completely excluded military training, with the result that peace and democracy flourished in the country.

3. His delegation supported the efforts of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. International cooperation was essential for combating that evil, and international standards were urgently needed to regulate the mechanisms for its eradication.

4. He thus called upon the other delegations to join his own in showing the necessary political will to adopt those two protocols, which sought to enable the future generations to grow and develop in peace.

5. Ms. TIMBERLAKE (Joint United Nations Programme on HIV/AIDS) said that she was speaking also on behalf of the United Nations Children's Fund (UNICEF).

6. The four general principles of the Convention on the Rights of the Child - non-discrimination, the child's best interests, survival and development and children's participation - must be used to reduce the impact of the human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS) on children. Both children and adolescents must be protected from discrimination in access to the health care, information, education and the social support they needed to reduce their vulnerability to HIV infection, while those already infected must be protected from discrimination based on their health status.

7. There was a glaring gap in the data available on the incidence of infection as children grew into adolescence and on how, when and to what extent children and adolescents became infected through sexual activity, sexual abuse and exploitation and drug use. Governments must collect comprehensive data on HIV transmission among older children and adolescents and use them in implementing prevention and care programmes.

8. Three categories of children were affected by HIV/AIDS: those who were infected, those whose families were infected and those whose social environment made them vulnerable to infection. Children in the first category must be given access to treatment, counselling, education, recreation and social support and must be protected from discrimination. Governments must assist the families of children in the second category and provide alternative systems of care in the community for children who could not remain within the existing family structures.

9. With respect to the third category, denial of access to sexual and reproductive information and health services increased adolescents' vulnerability to HIV, while inadequate systems of protection from sexual and economic exploitation, drug abuse, violence, armed conflict and population displacements greatly increased the vulnerability of children. To help protect children from infection, Governments must give effect to the human rights necessary for children's informed, empowered and harmonious development.

10. Throughout 1997, UNAIDS would focus attention to how HIV/AIDS had changed the world for children; on what could be done to promote the rights of the child; and on how children could become vital participants in the collective response to the pandemic. She urged the Commission and other human rights bodies to join those efforts.

11. Mr. BOREL (International Committee of the Red Cross (ICRC)) said that the growing participation in armed conflicts of children under the age of 15 flagrantly violated international standards, including the Convention on the Rights of the Child. ICRC strongly supported the adoption of preventive and remedial measures in that regard, including the prohibition of the recruitment of children under 18.

12. In 1995, the Council of Delegates of the International Red Cross and Red Crescent Movement had adopted a resolution and endorsed a plan of action to end the participation of children under 18 in armed conflicts and to protect and assist child victims of such conflicts. At its twenty-sixth International Conference, the Movement had recommended that parties to conflicts should

refrain from arming children under 18 and should make every effort to ensure that children did not participate in hostilities. It had also called for the prosecution of anyone who recruited children under the age of 15.

13. The draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts must be harmonized with international humanitarian law and must not weaken the existing standards. It should prohibit all forms of participation, both direct and indirect, of children in armed conflicts, since experience had shown that it was hard to distinguish between direct and indirect participation and between voluntary and involuntary recruitment.

14. It was crucial that all parties to internal conflicts - including dissident forces - should be bound by the protocol. International humanitarian law imposed obligations on all combatants, including armed groups, without thereby giving them any legal status.

15. Only preventive action could improve the protection of children caught up in armed conflicts. Long-term solutions in the areas of education and rehabilitation were also necessary. The magnitude of the problem called for united efforts on the part of the entire international community.

16. Mr. BOOTHBY (Office of the United Nations High Commissioner for Refugees (UNHCR)) said that, even though most refugees were under the age of 18, refugee children and adolescents were often overlooked in policy-making and operations because of the threefold tendency to view refugees as an undifferentiated group, to see children and adolescents only in terms of their relationship of dependency with respect to adults and to neglect the needs and rights of adolescents.

17. To correct those problems, the UNHCR Policy on Refugee Children stipulated that actions must be tailored to the different needs and potentials of refugee children. Special attention must be paid to the child's right to a family, to education and to protection from exploitation and abuse. With respect to adolescent refugees, reproductive health, vocational training, life skills and income-generation opportunities were all key issues which must not be ignored.

18. In response to the report on the impact of armed conflict on children (A/51/306 and Add.1), UNHCR had drawn up an explicit child's rights, goal-oriented agenda for strengthening its capacity to protect children and adolescents from sexual exploitation and military recruitment, to meet the needs and uphold the rights of unaccompanied children and to help young refugees to return home.

19. Under that agenda, all UNHCR emergency teams would include community services and protection officers. In complex emergencies, community support teams would include education and child-adolescent welfare specialists. A number of senior child-adolescent adviser posts would be created in 1997 to assist in needs assessments, programme innovation and regional coordination of policies and programmes.

20. UNHCR was developing a comprehensive training programme on child-adolescent rights and developmental needs, and would carry out four major capacity-building exercises in 1997. Future emergency response budgets would include a line item for "rapid education", and a trust fund had been established for the strategic reorientation of programming for refugee children and adolescents.

21. In the area of human rights, UNHCR would continue to call for a ban on landmines and for a protocol to raise the minimum military recruitment age to 18. It supported the proposal to appoint a special representative of the Secretary-General on children and armed conflict, and would support the preparation of a code of conduct for humanitarian workers.

22. Mr. LASTCHENKO (Observer for Belgium), having endorsed the statement by the representative of the Netherlands on behalf of the European Union, said that his Government was deeply concerned about the ravages caused by landmines and, in June 1997, would hold an international conference at Brussels on the possibility of imposing a worldwide ban on such weapons.

23. The use of child soldiers should be condemned as vigorously as the use of mercenaries and his Government unequivocally advocated raising the minimum recruitment age and supported the principle of non-participation of children under 18 in armed conflicts. In that connection, it regretted that article 38 of the Convention on the Rights of the Child fell short of the standards contained in the most recent provisions of international humanitarian law.

24. The notorious cases of the children in Belgium who had been kidnapped, raped and murdered had outraged all sectors of Belgian society and had led to a call for stronger measures to protect children from such acts. The World Congress against Commercial Sexual Exploitation of Children, held at Stockholm, had clarified the scope of the problem and his Government supported the preparation of an international legal instrument that would reflect the Stockholm commitments by making the sexual exploitation of children a crime, providing for the prosecution and punishment of those responsible for such acts and protecting the victims. It hoped that the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography would be speedily completed.

25. The most widespread and complex form of exploitation of children was child labour. Many of the tasks imposed on children were harmful to their well-being and development. The international community must develop a strategy to eradicate the most intolerable forms of child labour as soon as possible. His delegation thus welcomed the initiatives of the Governments of the Netherlands and Norway to host two international conferences on the problem, and hoped that the outcome would encourage the International Labour Organization (ILO) to complete the preparation of a new legal instrument banning all intolerable forms of child labour.

26. Mr. MAXIM (Observer for Romania) said that the diverse and complex situations described in the reports under consideration were alarming and required an urgent and integrated response by all States, as provided in

Commission resolution 1996/85. His delegation thus supported the urgent finalization of the two draft optional protocols to the Convention on the Rights of the Child.

27. His own country's experience had demonstrated the need not only for appropriate legislation, but also for effective governmental and non-governmental bodies to monitor, implement or support activities for the implementation of the Convention on the Rights of the Child. After adopting a legal and institutional framework on the rights of the child, his Government had taken immediate action to improve the situation of children, particularly those in especially difficult circumstances.

28. In 1995, the National Committee for the Protection of the Child had launched a National Plan of Action for Children that took a preventive and comprehensive approach to improving the situation of children, particularly street children, and to eliminating the sexual exploitation of children. It also provided for special educational and public health programmes aimed at consolidating families.

29. To prevent any aggravation of the situation of children in the context of accelerated economic reforms, the President of Romania had launched an appeal and a plan of action, to be implemented under the direct supervision of his office, to safeguard the rights of children.

30. Monsignor BERTELLO (Observer for the Holy See) said that Pope John Paul II and his predecessors had always emphasized that children must be treated with respect and had drawn attention to the fundamental role of the family in forming the child's character.

31. Although his delegation cautioned against the overhasty introduction of two draft protocols to the very new Convention on the Rights of the Child, it had no doubt that the Convention was an important instrument in the fight against such significant evils as paedophilia and prostitution.

32. It was regrettable that no consensus had been reached in the Working Group on the elaboration of a draft optional protocol on the involvement of children in armed conflicts, since his delegation was only too well aware of the psychological and social consequences of teaching the techniques of warfare to children. The political will must be found to determine the principles and contents of the protocol.

33. The Working Group on the elaboration of a draft optional protocol on the sale of children, child prostitution and child pornography had made a little progress, but he wondered if it was not asking too much to try to deal with all three of those subjects at the same time. Their complexity made it difficult to reach consensus, and he thought that the subjects and the relations between them could have been researched in greater depth beforehand.

34. His delegation was particularly concerned at the spread of sex tourism and of child pornography, on the Internet and elsewhere; activities that were degrading to mankind as a whole and should be criminalized. He hoped the

Commission would adopt a realistic resolution on the issue that took into account both the urgency of the problems and the time needed to grasp their complexities in full.

35. Mr. SCHONVELD (World Organization Against Torture) expressed his profound concern at the numbers of children from around the world who were tortured and abused in various different ways. He gave some examples from the Sudan, Honduras and Bahrain and urged all special rapporteurs, treaty bodies and relevant working groups to give special consideration to the situation of children, pointing out that, in high-risk situations, there was a tendency for children to be treated as if they were adults. He added that the Commission could learn from the successful working methods of the Committee on the Rights of the Child, which owed a lot to the participation of non-governmental organizations (NGOs).

36. Ms. POSTELNICU (International Federation of Women Lawyers) said that recent events in Belgium had highlighted the need to address the problem of the abduction of children, as well as the sale and trafficking of children, in the optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Her organization had, indeed, suggested that the word "abduction" should be included in the title of the protocol. Whereas the concept of a "sale" appeared in the Civil Code and trade law, the abduction of children was punishable under the Penal Code. Moreover, the abduction of children was more common than, and sometimes preceded, the sale of children. The abduction, sale and trafficking of children, referred to in article 35 of the Convention, should thus all be covered in the protocol, since they were the basis for the sexual exploitation of children.

37. Ms. AULA (Pax Christi International) said that, of all the threats faced by children involved in armed conflicts, none was more insidious than that posed by landmines. Children were especially vulnerable as they were less aware of the threat than adults and often had no way of knowing where mines had been laid. The only effective way to protect them from landmines, and from the new generation of laser weapons, was a total ban on the production, stockpiling and use of those weapons.

38. It was hypocritical for Governments such as those of Italy, France, Germany and the Russian Federation to assert that they were interested in protecting children in forums like the Commission, while they opposed a total ban and continued to produce and export landmines.

39. Her organization strongly supported the anti-war agenda of UNICEF and the adoption of an optional protocol to the Convention on the Rights of the Child which would raise the minimum age of recruitment into the armed forces from 15 to 18.

40. Ms. MOORE (International Save the Children Alliance) said that restrictions on movement, such as those imposed in the occupied territories of the West Bank and Gaza Strip, were qualitatively and quantitatively more harmful to children than to the rest of the community. As a result of such

restrictions, children's diets had deteriorated, there had been an increase in the use of child labour and schools had been closed, the most disadvantaged children being those who suffered the most.

41. There had been cases of children and babies dying because checkpoints blocked access to hospitals, and yet the plight of children had been largely ignored in the Commission's debate on the situation in the occupied territories. The situation and rights of children should pervade all the deliberations of the Commission and should be an explicit element in the mandates of all special rapporteurs.

42. Ms. BLOEM (World Federation of Methodist and Uniting Church Women), speaking also on behalf of 44 other non-governmental organizations,* said that, following the near-universal ratification of the Convention on the Rights of the Child and the commitments made to girl-children at the major United Nations world conferences, it was intolerable that blatant violations of the rights of girls should still be occurring.

43. Reports by UNICEF and the Working Group on Contemporary Forms of Slavery, as well as international press reports, showed that harmful traditional practices persisted. Practices such as trokosi, deuki and devadasi were based on superstition and always ended in girls being forced into prostitution. Other harmful traditional practices, such as son-preference or female genital mutilation, persisted because of ignorance and a fierce attachment to cultural identity. She drew attention to the recommendations in the Plan of Action for the Elimination of Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1), and deplored the poor response by Governments thereto.

44. The NGOs she was representing wholeheartedly supported the Declaration and Agenda for Action of the First World Congress on the Commercial Sexual Exploitation of Children. Criminalization of the perpetrators and decriminalization of the victims was a sine qua non. They welcomed the initiatives taken by various Governments, but there was a need to harmonize laws, including the rules on gathering evidence and the age criteria of victims. Above all, national and international preventive programmes must be gender-sensitive; 90 per cent of the victims of child abuse were girls and boys and girls were affected in different ways by sexual exploitation and had different rehabilitation needs.

45. In the context of collecting gender-disaggregated data, they welcomed the excellent analysis of the Special Rapporteurs on violence against women and on the sale of children, child prostitution and child pornography and recommended that their mandates should be renewed and that the gender aspect should be taken into account in drafting the relevant optional protocol to the Convention on the Rights of the Child.

---

* The list of non-governmental organizations concerned appears as an annex to this summary record.

46. Girls were often trapped in a cycle of dreary domestic tasks that amounted to virtual slavery, commonly accompanied by sexual abuse and violence. The NGOs she represented therefore welcomed the proposal by the ILO for a new convention on the elimination of the most intolerable forms of child labour. They supported the conclusions of the excellent study on the impact of armed conflict on children by Ms. Graça Machel (A/51/306) and drew the Commission's attention in particular to the section on sexual exploitation and gender-based violence. They urged the Commission to defend the rights of girl-children, in particular their right to education, which was the surest way to change the world for the better.

47. Ms. BUWALDA (International Association for the Defence of Religious Liberty) said that thousands of children were employed in Indian brothels, many of whom were girls lured from their villages in Nepal and sold to brothel owners. They were mistreated and kept in conditions of virtual slavery, and, to get away, they had to work to pay off their purchase price, a process which could last indefinitely.

48. Similarly, thousands of girls from Myanmar had been trafficked into Thailand for prostitution. Again, escape was virtually impossible and the two Governments concerned appeared to be taking no action.

49. She urged the Governments of all the countries in question to prosecute all those involved in the trafficking of children for prostitution, concentrating on the corrupt officials who colluded in the practice, without criminalizing the victims but, instead, giving them the assistance they needed.

50. She called upon the Government of the Philippines to investigate the persecution of Father Shay Cullen, involving physical attacks, harassment and threats of deportation, because he had helped to track down notorious paedophiles and assisted in the prosecution of several people for the sexual exploitation of children.

51. The Commission should put pressure on countries that failed to take effective measures to deal with the commercial sexual exploitation of children and should urge all States to fulfil their obligations under the Convention on the Rights of the Child.

52. Mr. CUNNIAH (International Confederation of Free Trade Unions) said that, in the four years since the Commission had adopted the Programme of Action for the Elimination of the Exploitation of Child Labour, only five countries had provided information on the measures they had taken to implement the Programme. Seven years after it had been opened for signature, the Convention on the Rights of the Child had been ratified or acceded to by 187 Member States but, according to ILO figures, 250 million children were still working throughout the world. Thus, a Convention that had gained almost universal ratification was, paradoxically, the one that was most consistently violated. Ratification of a convention without implementation and enforcement measures was clearly meaningless.

53. Giving some examples of the real world of child labour, he said that, in November 1996, 13 primary school pupils had been killed and 19 others injured

in an explosion at an unlicensed fireworks factory in eastern China; hundreds of bonded child labourers in India were forced to work near furnaces with heat levels of up to 1,400 degrees Celsius and to carry molten glass, with the result that many became crippled; and a programme had recently been launched in Pakistan, with the participation of the International Football Federation (FIFA), to ensure that manufacturers stopped using child labour in the production of footballs.

54. His organization was supporting a global march against child labour in 1998 that was intended to focus the world's attention on the problem and the need for immediate action. It urged the Commission to call on Governments to set target dates for the elimination of all forms of child labour that were contrary to accepted international standards.

55. Mr. BANDIER (United Towns Agency for North-South Cooperation) said that a country not very far away from the conference room had recently seen graphic evidence of the fact that certain governmental authorities were not morally fitted to carry out their duties. There had been stupefying revelations of organized sex crimes, paedophile networks and protection provided to the criminals. In the wave of revulsion that had followed, the chief concerns had been to help the bereaved families and to ensure the protection of the physical and moral integrity of children.

56. A solution to the problem of child abuse must be sought not in a negative spirit of vengeance but through education, information and the protection of children, in a world where religion, morality and family cohesiveness were all being progressively eroded. His organization thus intended to develop an inventory of universal moral principles designed to give children a better understanding of contemporary problems and inspire them to work for a more healthy, supportive and balanced world in future. It also hoped to see the rape, torture and abuse of children declared a crime against humanity.

57. Ms. BRETT (Friends World Committee for Consultation (Quakers)) said that the active participation of children in armed conflict was not inevitable and a number of specific steps could be taken to reduce the likelihood of children becoming soldiers. Child participation in governmental armed forces could be avoided by establishing proper recruitment measures and the means to enforce them. The recruitment of children into armed opposition groups was, of course, harder to prevent. Nevertheless, by focusing on the children most at risk, it was easier to identify steps to reduce significantly the likelihood of child involvement.

58. Having listed a number of specific steps that could be taken, she said that many of them were equally applicable in situations where there were no government and opposition forces as such but a number of different armed groups. In all situations, but especially when children were being deliberately targeted for recruitment, the importance of active steps by Governments, international organizations and NGOs could not be overemphasized. A lack of response was tantamount to acquiescence. The adoption of a clear, unequivocal international standard establishing 18 years, rather than 15 years, as the minimum age for recruitment would be a great asset.

59. Mr. Somol (Czech Republic) took the Chair.

60. Ms. SILAWAL (World Peace Council) said that a child had a right to love and care, to a good education in a tolerant environment and to grow up, enter gainful employment and raise a family. Unfortunately, many children throughout the world were denied those rights, the worst violation of all being educating children to take life rather than sustain it.

61. In some countries, religion was being used to chain children to God's commands as interpreted by men to whom hatred alone was the basis of religion. Children in schools in Pakistan were trained in intolerant ideologies and in the use of weapons. In Afghanistan, children lived under the shadow of violence and girls were not allowed to go to school.

62. However distressing prostitution, child labour and the sale of children might be, they were less important than the wanton conversion of children into both perpetrators and victims of violence. The world community must thus put on notice the groups that trained children in the ideology of hatred and violence and the Governments that turned a blind eye to their activities.

63. Ms. MUNSHI (International Progress Organization) said that children in developing countries were increasingly being compelled to serve as breadwinners for their families and to forgo a normal childhood. The most contemptible form of such exploitation was the sale of children for bonded labour and prostitution. The practice was known to be widespread in Pakistan, yet the courts had been unable to provide redress, despite courageous efforts by human rights organizations and the media.

64. Economic necessity and the connivance of government officials were an integral part of the inhuman and degrading trafficking in girls, many of them imported from Bangladesh, Nepal and India. As in the western countries, the trade flourished to satiate the desires of those who had the capacity to pay and was thus linked to economic circumstances. The marriage of young girls against their wishes to wealthy but elderly men was also tantamount to prostitution.

65. It was the demand for services such as pornography, sale of children, paedophilia and sex tourism that must be tackled. Education and economic development might free some from such traumatic experiences, but for the large majority of such children, criminal sanctions against their oppressors were the only remedy. Modern legal systems had not been able to curb those evils and only, perhaps, a return to the barbaric punishments of the middle ages could provide the solution.

66. She therefore urged that a new protocol be adopted on the rights of the child detailing practical steps to educate both children and adults about the degradation of the human spirit inherent in the sale of children. That effort should be coupled with intensive research into legal systems in rich and poor countries alike to identify lacunae that permitted the perpetuation of such evils.

67. Mr. KHOLI (International Institute for Non-Aligned Studies) said that many poor children, both boys and girls, were living the most degrading

lifestyles out of economic necessity, particularly in South Asia. Rapid population growth and social and cultural norms that discriminated between boys and girls had created an environment for child abuse. The sale of children for purposes of begging, prostitution or labour was a practice that particularly afflicted the developing countries. Bonded children never knew any semblance of education and merely passed on their shackles to their offspring. The ILO estimated that nearly six million children in Pakistan were exposed to conditions bordering on those of slavery as a result of bonded labour.

68. Moreover, the resurgence of religious fundamentalism had motivated many parents to give their children up to the bondage of the mind. In Pakistani schools run by fundamentalists, children were routinely chained while being subjected to teaching quite divorced from modern educational precepts.

69. The recent events in Belgium, however, the exploitation of homeless children by their guardians in the United Kingdom and the action of paedophiles in Australia were all symptoms of a deep-rooted malaise that had no excuse in economic necessity but more to do with material satiation and the desire for new thrills. Exemplary punishment for the crime of child abuse thus appeared to be becoming a necessity.

70. The various summits and declarations devoted to the rights of the child had done little to stem those evils, and the adoption of yet another protocol on the rights of the child was unlikely to do so either. People in poor countries did not understand such protocols, while those in rich countries had legal systems that meted out moderate and reform-oriented punishment. In the meantime, child abuse continued. The whole force of the international community was needed to demand of Governments that legal structures be amended so that citizens found guilty of child abuse were treated like killers, for they killed what was most precious - the future of mankind.

71. Mr. COFFINIER (International Association of Educators for World Peace) said that his organization's experience in time and place had led to the conclusion that a well-rounded childhood with a wholesome exposure to truth, freedom and solidarity was an essential component of the search for peace.

72. It was unfortunate, therefore, that in Cuba, students were subjected to ideological indoctrination through the State system of education. Children's report cards chronicled not only their progress in school but also the extent of their ideological integration, a factor that determined whether they could enter influential fields such as sociology, education, journalism and law. A recent study showed that children from families that practised religion were excluded from the university and were even prevented from completing their secondary school education.

73. In rural areas, minors aged 11 to 15 years enrolled in village schools were forced to work and to reside in crowded camps promoting sexual promiscuity between teachers and students and in which sanitary conditions were far from adequate. Such treatment could lead to neurological and psychological disorders and the children were also exposed to toxic products such as fertilizers and herbicides.

74. Alongside the social apartheid fostered by the Cuban educational system, child prostitution was evolving out of economic necessity and in the service of sex tourism. The dignity of the human person must be fostered in children: they were not at the service of the State, it was rather the State that must serve children and their families.

75. Ms. LAROCHE (Transnational Radical Party) said that Burmese laws were incompatible with the standards and principles of the Convention on the Rights of the Child, especially with regard to the juvenile justice system. Children were also forcibly conscripted as front-line soldiers or used as forced labour, often experiencing extreme physical abuse. Only 10 per cent of the national budget went on the social sector as against 40 per cent on military expenditure. The Burmese authorities should implement the Convention, permit independent monitoring to avoid so-called misinformation from NGOs and allow the Special Rapporteur on the situation of human rights in Myanmar to visit the country, where he should pay particular attention to the situation of children.

76. China's low level of spending on education meant that most rural - and some urban - parents had to pay for their children's education, despite the legal position that nine years of basic education should be provided free of charge. Moreover, the number of children left outside the education system might be greater than official figures suggested. Without registration, children were not eligible for free education, yet many girls and several million migrant children were unregistered.

77. Meanwhile, some five million Chinese children worked, making up as much as 20 per cent of the workforce in some village enterprises. Her organization was also concerned about the enforcement of regulations relating to child labour and safety at work: enforcement officials sometimes benefited from the profits of enterprises, took bribes or believed that economic growth took priority over protecting workers. The Commission should urge China to implement the Convention and should adopt a resolution on the situation of human rights in China.

78. Ms. CAI Shen (All-China Women's Federation) said she was concerned that armed conflicts in certain regions seriously threatened the lives of children, and particularly those of girls and women. The forced prostitution and sexual exploitation of children persisted in many Western countries, purveyed by the mass media and the Internet. Society should be mobilized to impose strict bans on the sex trade and to clean up the mass media.

79. Her organization actively supported the Government's legislative and administrative bodies in formulating laws on the protection of women and children, including those on prohibiting child labour. China had already reached the immunization target set by the World Summit for Children. The child mortality rate was below average and the primary school enrolment rate was 98.7 per cent. She therefore was outraged at the total disregard for reality displayed by the previous speaker.

80. Ms. MOURAVIEFF-APOSTOL (International Federation of Social Workers) said that the seemingly undramatic article 7 of the Convention on the Rights of the Child required that a child should be registered, with the right from birth to

a name and the right to acquire a nationality. Horrendous psychosocial ills were inflicted on young combatants, but the problem was compounded if they had no legal identity: they could be enlisted, forcibly or otherwise, even under the low age of 15 currently envisaged as the minimum age permissible to take a direct part in hostilities.

81. The same applied to trafficking, prostitution and pornography involving children. Children without an identity were particularly vulnerable. Unregistered children fared badly in the field of child labour also, and she hoped that the proposed ILO convention on child labour would incorporate the issue.

82. As well as preventing such specific abuses, the right to a legal identity was crucial to giving a child access to health and social services, subsidized food schemes or education. An unregistered child was often denied a certificate on completing elementary school and was thus barred from secondary education. Later in life, he or she would find it difficult to marry or acquire a residence card. Unregistered children and their families were not included in national statistics and were therefore not taken into account in planning and policies. Life was a constant hurdle for such people and she urged Governments to ensure that there was universal birth registration in their countries.

83. Mr. PEREZ BERRIO (American Association of Jurists) said that, to protect the draft protocol to the Convention on the Rights of the Child from being watered down, the Commission's resolution on the subject should state clearly that international trafficking in children and sexual tourism involving children were international crimes, even in the face of real or presumed consent on the part of the child. Such trafficking included selling children for economic or sexual exploitation, fraudulent adoption or the removal of organs or other anatomical material; the promotion of the prostitution or corruption of children; and the use of children in the production of any form of pornographic material.

84. The extraction of organs and other anatomical material should figure in the protocol. The fact that it had not been proved to exist was no reason not to outlaw it. The resolution should also insist that trafficking in children for illegal international adoption was an international crime.

85. Recent events had shown that paedophilia was widespread and that paedophiles enjoyed virtual impunity, being considered mentally ill rather than criminal. Difficult as it might be to draw a precise line between the two, paedophiles should generally be taken to be responsible for their actions and pay the appropriate penalty. The draft protocol should therefore commit States to either punishing paedophiles severely or committing them to mental institutions if they were unfit to plead.

86. Lastly, his organization considered that the Working Group's mandate should be extended to include a complaints procedure before the Committee on the Rights of the Child.

87. Ms. HOUTAIN (International Movement for Fraternal Union Among Races and Peoples) said that, although Argentina had enjoyed 13 years of democracy

following 8 years of State terrorism, impunity for those responsible for human rights violations persisted, making nonsense of the principle of equality before the law and affecting relations between the State and civil society. Enforced disappearance had been a favoured method of repression at that time and children too had suffered. In some cases pregnant women had disappeared or a child had been taken with the parents, with the result that the identity of the whole family was removed.

88. Of the hundreds of children involved, the cases of only 58 had been cleared up and 31 had been reunited with their families. In an encouraging development, many young people who were doubtful of their origins were turning to the grandmothers of the Plaza de Mayo in a quest for their real identity. Other grandchildren were still living a lie, in contravention of article 8 of the Convention. The Commission should ensure that such a situation never occurred again.

89. Mr. ALBIZURES (Commission for the Defense of Human Rights in Central America (CODEHUCA)) said that despite political progress in Central America there had been no improvement in the daily life of its peoples, especially its children. Extreme poverty was widespread and not only constituted an obstacle to access to such basic rights as education, adequate food and health, but led to violence and even the killing of children. In Guatemala, 12 street children had been murdered in 1996 and left like rubbish in the streets. Poverty led other children to prostitution, to poorly paid work, to truancy, to flight from violent families and to crime.

90. Nicaragua's policy on poverty was to shut street children away and, if they broke the law, to place them in adult prisons, where they were exposed to every kind of abuse. A similar situation obtained in Honduras. One problem throughout Central America was the use by children of toxic inhalants - produced by multinational companies in the United States and Germany, where their use was prohibited - as a means of blotting out hunger, cold and misery.

91. CODEHUCA recognized that some Governments in the region had attempted to improve the legislation affecting children, but action had been half-hearted and specialists were agreed that children did not have proper access to justice. The force of the Convention was reduced by the fact that the Committee on the Rights of the Child could obtain information only from State party reports and could not receive complaints from one State against another or from individuals. A special rapporteur should be appointed to cover the whole issue of children.

92. Mr. ASHRAF (India), speaking in exercise of the right of reply, said that earlier in the day the Commission had heard a statement by the Federal Minister of Pakistan, who had once been the Prime Minister of Pakistan-occupied Jammu and Kashmir. That showed that the issue of self-determination for the Kashmiri people, constantly reiterated by Pakistan, was a mere cover for its territorial ambitions. There had been many appeals in the Commission that bilateral issues should be settled through bilateral dialogue and not be brought before the Commission for domestic and propaganda purposes. It was regrettable that such counsel was not heeded by Pakistan.

93. His Government totally rejected the allegations made by the Federal Minister and those contained in every Pakistani statement during the current session. Pakistan's record of human rights violations in its own territory and in territories under its illegal control was such that it faced centripetal forces that challenged its integrity.

94. Regardless of what might be stated by any representative of Pakistan, Jammu and Kashmir belonged legally and constitutionally to India. One third of the state had been occupied through aggression, but India could not accept anyone laying claim to any part of its territory. It was India that had taken the issue of Pakistani aggression in Jammu and Kashmir to the United Nations. The only unresolved issue was when that territory would be vacated.

95. Bilateral talks between India and Pakistan were currently under way and it was of the utmost importance that the atmosphere for those talks should not be allowed to deteriorate. While Pakistan's repeated attacks during the Commission's session had done little to encourage the creation of a favourable atmosphere, his Government continued to remain hopeful that there would be a meaningful and constructive dialogue.

96. Mr. KHAN (Pakistan), speaking in exercise of the right of reply, said he completely rejected the remarks by the representative of India. Every State had a sovereign right to designate its nominees to the Commission and it was unseemly on the part of the Indian delegation to suggest otherwise.

97. The Government of Pakistan was talking peace not war. While reiterating Pakistan's basic position on Jammu and Kashmir, the Federal Minister had outlined a possible approach to the solution of the dispute through a structured and sustained dialogue. Credible measures would, however, have to be taken to halt the continuing human rights violations in Jammu and Kashmir. Even as talks between the Foreign Secretaries were announced, India had escalated repression. Four Kashmiri activists had been extrajudicially killed in the previous month. Crackdowns and curfews continued and detainees languished in jails. The ICRC had been denied access to major interrogation centres.

98. Territory could change hands, but not the hearts and minds of the people. The norms of the right to self-determination had to be upheld in Jammu and Kashmir to determine the final status of that territory and to ensure a durable and credible peace.

99. He agreed with the Indian representative that an atmosphere conducive to talks was required, but the Indian delegation had been wrong to allege that Pakistan had harmed the spirit of the dialogue by bringing the question of self-determination for the Kashmiris before the Commission. The Jammu and Kashmir dispute was the central issue between the two countries. To resolve it, tension would have to be lowered by stopping gross violations of human rights. That was a consistent and reasonable position. India should not try to hide its crimes but should face them and seek its own salvation instead of vainly pointing the finger at Pakistan.

The meeting rose at 6 p.m.

Annex

List of non-governmental organizations sponsoring the statement by the World Federation of Methodist and Uniting Church Women, under agenda item 21

All India Women's Conference, Anti-Slavery International, Associated Country Women of the World, Asia-Pacific Women Law Development, Association for World Education, Change, Centre for Women's Global Leadership, CIMA (Concertación Interamericana de Mujeres Activistas por los Derechos Humanos), Defence for Children International, Education International, Global Alliance Against Trafficking in Women, Global Food and Nutrition Alliance, International Abolitionist Federation, Inter-African Committee on Traditional Practices affecting the Health of Women and Children, International Alliance of Women, International Baccalaureate Organization, International Council of Women, International Council of Jewish Women, International Council on Social Welfare, International Federation of Social Workers, International Movement ATD Fourth World, International Pen Women Writers Committee, International Women's Tribune Centre, ISIS-WICCE, Kenya Alliance for Advancement of Children, Lutheran World Federation, National Council of German Women's Organizations, National Council of Women in Canada, RIFFI Sweden (National Federation of International Immigrant Women Association), School Sisters of Notre Dame, Socialist International Women, Soroptimist International, Soroptimist International (UK), Women's International League for Peace and Freedom, Women's International Zionist Organization, Women of Reformed Judaism, Women's Rights Centre in Poland, World Conference on Religion and Peace, World Federation of Democratic Youth, World Federation of United Nations Associations, World Union of Catholic Women's Organizations, World Vision International, World Young Women's Christian Association, Zonta International.